

from overflow of their lands arising out of the construction of temporary dumps or roadbeds by the State through its Highway Department; directing the Comptroller of the State of Texas to issue warrant on the State Treasury in favor of W. S. Hale and wife, in the sum of the judgment rendered by the Supreme Court of Texas in the suit of W. S. Hale and wife against the State of Texas brought under the authority of Senate Bill No. 197; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 1, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 17, Proposing an amendment to the Constitution of the State of Texas to provide for a State Land Bank which shall make loans to aid citizens of Texas to purchase a farm homestead; providing for election and necessary proclamation; and making an appropriation therefor.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 1, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 23, Proposing an amendment to Article 3 of the Constitution of the State of Texas authorizing the lending of Two Million Dollars (\$2,000,000) of the Permanent School Fund for the construction of a State Office Building, or Buildings; providing for repayment to the Permanent School Fund; providing for the submission of this amendment to the voters of this State; and providing for the necessary proclamation and expenses of publication.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 1, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 24, Proposing an amendment to Section 22 of Article V of the Constitution of Texas by adding thereto authority for the Legislature to increase, diminish, or change the probate or other jurisdiction of the County Court and to create additional courts having either exclusive jurisdiction, or concurrent jurisdiction with the County Court in such matter.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

FORTY-EIGHTH DAY

(Thursday, April 3, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker

Allen
Allison
Alsup
Anderson
Avant
Bailey
Baker
Bean
Bell
Benton
Blankenship
Boone
Brawner
Bray
Bridgers
Brown
Bruhl
Bullock
Bundy
Burkett
Burnaman
Carlton
Carrington
Cato
Celaya
Chambers

Clark
Cleveland
Coker
Colson, Mrs.
Connolly
Craig
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Dove
Duckett
Dwyer
Ellis
Eubank
Evans
Favors
Ferguson
Files
Fitzgerald
Fuchs
Gandy
Garland

Gilmer	Markle
Goodman	Martin
Halsey	Matthews
Hanna	Mills
Hardeman	Montgomery
Hargis	Moore
Harris of Dallas	Morgan
Harris of Hill	Morris
Hartzog	Morse
Heflin	Murray
Helpinstill	Nicholson
Henderson	Pace
Hileman	Parker
Hobbs	Pevehouse
Howard	Phillips
Howington	Price
Hoyo	Rampy
Huddleston	Reed of Bowie
Huffman	Reed of Dallas
Hughes	Ridgeway
Humphrey	Rhodes
Hutchinson	Roark
Isaacks	Roberts
Jones	Sallas
Kelly	Senterfitt
Kennedy	Sharpe
Kersey	Shell
Kinard	Simpson
King	Skiles
Klingeman	Smith of Bastrop
Knight	Smith of Atascosa
Lansberry	Spacek
Lehman	Spangler
Little	Stanford
Lock	Stinson
Love	Stubbs
Lowry	Taylor
Lucas	Thornton
Lyle	Turner
McAlister	Vale
McCann	Voigt
McDonald	Walters
McGlasson	Wattner
McLellan	Weatherford
McMurry	White
McNamara	Whitesides
Manford	Winfree
Manning	

Absent—Excused

Leyendecker

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, as we reflect upon Thy goodness to us, as a State and as a Nation, down through the years, we recognize Thy hand and Thy providence. Forsake us not at this time of great need, but may the will of

the Lord be revealed unto us; and may we here have wisdom and foresight, and a desire only for a clear view of real duty. In Christ's name. Amen."

PROVIDING FOR CERTAIN INVESTIGATION IN REGARD TO ELEMOSYNARY INSTITUTIONS

Mr. Donald offered the following resolution:

H. S. R. No. 174, Providing for Certain Investigation in Regard to Eleemosynary Institutions.

Whereas, It is the opinion of this House that Members of the Legislature of this State have full authority to investigate the various departments of the State Government and to remedy such evils as may be found, and that Members of the Legislature are the proper persons to form and compose said investigating committee; and

Whereas, The Eleemosynary Committee of the House of Representatives, is a committee composed of elected Representatives, interested in and familiar with the operation of the Eleemosynary System of this State; and

Whereas, It is a cardinal responsibility of any Representative Assembly to inquire and determine whether the various institutions of Government are operated according to the principles of justice, equity, legality, and humanity; and

Whereas, These principles will necessarily involved in the administration into the weak, weary, and oppressed human beings who constitute the inmates of the Eleemosynary Institutions; and

Whereas, Reports having come to the author of this resolution from reliable sources to the effect that business of certain Eleemosynary Institutions is not being conducted upon a sound and economical basis; and

Whereas, The facts of such reports should be investigated in order to determine their falsity and validity that the innocent may be exonerated or the guilty discharged and that the State may receive valuable services and certain economical business practices for the vast amount of money expended by the various Eleemosynary Institutions; therefore

Be it resolved, by the House of Representatives, That the Eleemosynary Committee is hereby empowered to hold full and complete hearings on any Eleemosynary Institutions that they may deem necessary and proper; and

Be it further resolved, That the Eleemosynary Committee be and is hereby empowered to issue subpoenas for any and all witnesses to appear before the Eleemosynary Committee; to issue and subpoena any and all witnesses to bring any and all records of any committee that the Eleemosynary Committee may deem necessary and proper to make such investigations; and

Be it further resolved, That said Committee report their findings and recommendations back to the House at the earliest possible date.

The resolution was read second time and was adopted by the following vote:

Yeas—121

Allen	Dove
Allison	Duckett
Avant	Dwyer
Bailey	Ellis
Baker	Eubank
Bell	Evans
Benton	Favors
Blankenship	Ferguson
Boone	Files
Brawner	Fitzgerald
Bray	Gandy
Bridgers	Garland
Brown	Goodman
Bullock	Hardeman
Bundy	Hargis
Burkett	Harris of Dallas
Burnaman	Harris of Hill
Carlton	Heflin
Carrington	Helpinstill
Cato	Henderson
Celaya	Hileman
Chambers	Howington
Clark	Hoyo
Cleveland	Huddleston
Coker	Huffman
Connelly	Hughes
Craig	Humphrey
Crossley	Hutchinson
Daniel	Isaacks
Davis	Jones
Deen	Kelly
Dickson of Bexar	Kennedy
Dickson of Nolan	King
Donald	Klingeman

Knight
Lansberry
Lehman
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McGlasson
McLellan
McMurry
McNamara
Manford
Markle
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Nicholson
Pace

Parker
Phillips
Price
Rampy
Reed of Dallas
Ridgeway
Roberts
Senterfitt
Sharpe
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stubbs
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Nays—2

Pevehouse

Rhodes

Absent

Alsup	Kersey
Anderson	Kinard
Bean	Little
Bruhl	McDonald
Colson, Mrs.	Manning
Crosthwait	Reed of Bowie
Fuchs	Roark
Gilmer	Sallas
Halsey	Shell
Hanna	Sinson
Hartzog	Taylor
Hobbs	Turner
Howard	

Absent—Excused

Leyendecker

Mr. McGlasson moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

(Mr. Blankenship in the Chair.)

RELATIVE TO ADMINISTRATION OF SOCIAL SECURITY PROGRAM

Mr. Bridgers offered the following resolution:

H. S. R. No. 176, Relative to Administration of Social Security Program by Federal Government.

Whereas, It is stated in the public press that President Roosevelt is considering recommending to the Congress of the United States that the Social Security Program as to assistance for the needy aged, the needy blind and dependent children be assumed by the Federal Government, thereby relieving the States of their obligation to participate therein; and

Whereas, The Social Security Program as applied to assistance to the aged needy has resulted in grievous inequities in the various States, there being great disparities in the sums paid under the administration of the Social Security laws of the various States; and

Whereas, It is obvious that aged persons and other needy individuals should be dealt with in all of the States on a basis of like treatment and equal payments to all persons, it being evident that a needy aged person in one State is as needy as an aged person in another State, and there being serious discrepancies which discrepancies are the basis of widespread dissatisfaction with the administration of the old age assistance and other Social Security laws; and

Whereas, The Social Security Program in this and other States has become a political football and has engendered ill feeling in the various elections; and

Whereas, Much misunderstanding exists as to the limitations of the various Legislatures in complying with the Federal Social Security laws; and

Whereas, It would be more equitable, more fair, more satisfactory, and provoke less criticism, dissatisfaction and acrimony during political campaigns if the Social Security Program were taken over in its entirety by the Federal Government.

Now, therefore, be it resolved, by the House of Representatives of the State of Texas, That the proposal or suggestion of President Roosevelt that the Social Security Program in its entirety be taken over and administered by the Federal Government be and is hereby approved, and the President and the Congress of

the United States are hereby petitioned to enact legislation having that end in view.

Resolved, That a copy of this resolution be certified to the Texas Representatives in Congress and also to Senator Morris Sheppard and to Senator Tom Connally.

BRIDGERS,
BURKETT,
CONNELLY.

The resolution was read second time and was adopted.

MOTION TO REREFER

Mr. Harris of Dallas moved that House Bill No. 810 be withdrawn from the Committee on Municipal and Private Corporations and referred to the Committee on Highways and Motor Traffic.

On motion of Mr. Heflin, the motion by Mr. Harris of Dallas was tabled.

RELATIVE TO SENATE BILL NO. 150

On motion of Mr. Anderson, and by unanimous consent of the House, the caption of Senate Bill No. 150 was ordered amended to conform to all changes and with the body of the bill.

DESIGNATING "PIONEER DAYS" OF TEXAS

Mr. Allison offered the following resolution:

H. S. R. No. 177, Designating Pioneer Days of Texas.

Whereas, The pioneer cattlemen of Texas settled the vast frontiers of the Texas Empire, established schools, churches, villages, and towns, and

Whereas, The pioneer cattlemen of Texas contributed much to the prosperity of this great State and laid the corner-stone of Texas democracy and the industrial future of this State, and

Whereas, The pioneer cattlemen of Texas contributed much to the history and folklore of the Nation, and

Whereas, Rodeo contests of skill and daring were an important part of the sport and folklore of the pioneer settlers, and

Whereas, The Lightning C Ranch live stock is used in the Madison Square Garden and Boston Garden Rodeos, keeping the spirit of the pioneer West alive in an industrial civilization, and

Whereas, The Lightning C Ranch live stock will be presented in the World's Championship Rodeo in Dublin on April 25th, 26th and 27th, 1941, and

Whereas, It is fitting that the pioneer cattlemen of the West should have days set aside in their memory in their own carefree spirit, therefore

Be it resolved, by the House of Representatives of the State of Texas, That April 25, 26 and 27 be recognized as Pioneer Days of Texas for 1941, and

Be it further resolved, That this resolution be enrolled and a copy be mailed to the Mayor of Dublin and officials of the Dublin Rodeo Association.

ALLISON,
KING,
CATO,
HOWINGTON.

The resolution was read second time and was adopted.

TO PROVIDE FOR THE APPOINTMENT OF COMMITTEE TO
MAKE CERTAIN
INVESTIGATION

Mr. Evans offered the following resolution:

H. S. R. No. 178, To Provide for the Appointment of Committee to Make Certain Investigation.

Whereas, Charges and rumors and statements have become widespread on the floor of the House of Representatives in the last forty-eight hours which leaves the impression that the Committee on Redistricting has practiced high-pressure methods of politics, traded with certain Members agreeable to those Members, but with the understanding that they must support the redistricting measure, and other similar charges which, if true, is not becoming the dignity, honesty, and the proper place of any Member serving in this House of Representatives in behalf of the people of Texas; and, therefore, be it

Resolved, by the House of Representatives of the Forty-seventh Legislature, That the Speaker of the House appoint a committee of three men who have taken no part in the controversy, or as far from a partisan side as possible, men with integrity and honor, who would serve the interest of the people rather than a subversive motive, and that this committee be instructed immediately to begin an investigation on the floor of this House, or in any other manner in which they deem proper, so as to arrive at the facts as to why these courtesies for some and denials for others equally worthy have become an evident fact, and

Whereas, Such charges are found to be true, then proper action by this House to correct the same in the integrity and honesty of the State of Texas begun if the Speaker of the House will be so condescending.

The resolution was read second time.

Mr. Kersey raised a point of order on further consideration of the resolution at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Chair sustained the point of order.

Mr. Eubank moved that the time allotted for the consideration of resolutions be extended for ten minutes.

The motion prevailed.

HOUSE BILL NO. 44 ON FINAL
PASSAGE

The Chair laid before the House, as unfinished business, on its final passage,

H. B. No. 44, A bill to be entitled "An Act to amend Articles 195 and 196, Revised Civil Statutes of 1925, State of Texas, fixing the time of taking effect of this Act, and declaring an emergency."

The bill having heretofore been read third time, with amendment by Mr. McCann pending.

Mr. Bean moved the previous question on the pending amendment and the final passage of House Bill

No. 44, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Question recurring on the amendment by Mr. McCann, it was lost.

Mr. Lansberry offered the following amendment to the bill:

Amend House Bill No. 44, as amended, by striking out District No. 70 and inserting in lieu thereof the following:

"District No. 70. Williamson, Burnet and Blanco."

The amendment was lost.

Mr. Crossley moved that further consideration of House Bill No. 44 be postponed until 10:00 o'clock a. m. next Thursday.

On motion of Mr. Bean, the motion to postpone was tabled.

Mr. Carlton moved that further consideration of House Bill No. 44 be postponed until 11:00 o'clock a. m. next Thursday.

Mr. Kinard moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas, 69; nays, 65.

Mr. Kersey requested a verification of the vote.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—69

Anderson	Davis
Baker	Deen
Bean	Dickson of Bexar
Bray	Dickson of Nolan
Bridgers	Dove
Brown	Dwyer
Bruhl	Eubank
Bullock	Favors
Carrington	Ferguson
Celaya	Gandy
Clark	Gilmer
Coker	Goodman
Craig	Halsey
Crosthwait	Hanna

Hardeman
Harris of Dallas
Hartzog
Heflin
Henderson
Howard
Howington
Hoyo
Huffman
Humphrey
Kennedy
Kinard
Little
Love
Lowry
Lucas
Lyle
McAlister
McGlasson
McNamara
Markle

Martin
Montgomery
Morse
Murray
Pace
Parker
Ridgeway
Roberts
Sallas
Sharpe
Simpson
Smith of Atascosa
Spacek
Spangler
Stinson
Vale
Voigt
White
Whitesides
Winfree

Nays—66

Allen
Allison
Alsup
Avant
Bailey
Bell
Benton
Brawner
Bundy
Burkett
Burnaman
Carlton
Cato
Cleveland
Connelly
Crossley
Daniel
Donald
Duckett
Ellis
Evans
Files
Fitzgerald
Fuchs
Garland
Hargis
Harris of Hill
Helpinstill
Hileman
Hobbs
Huddleston
Hughes
Isaacks

Jones
Kelly
Kersey
King
Klingeman
Knight
Lansberry
Lehman
McCann
McLellan
Manford
Manning
Matthews
Mills
Moore
Morgan
Morris
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Rhodes
Roark
Senterfitt
Skiles
Smith of Bastrop
Stubbs
Taylor
Thornton
Turner
Weatherford

Absent

Blankenship	Hutchinson
Boone	Lock
Chambers	McDonald
Colson, Mrs.	McMurry

Nicholson
Shell
Stanford

Walters
Wattner

Absent—Excused

Leyendecker

The Chair announced that the motion to table the motion to postpone further consideration of House Bill No. 44 until 11:00 o'clock a. m. next Thursday prevailed.

Mr. Evans offered the following amendment to the bill:

Amend House Bill No. 44 by striking out on page 4, line 89 and line 90, to read "two Representatives."

EVANS,
MORGAN.

On motion of Mr. Kinard, the amendment was tabled.

Mr. Taylor offered the following amendment to the bill:

Amend House Bill No. 44 by adding a new section to read as follows: "Section —. Provided, however, that Act shall not be in full force and effect until January 1, 1944."

Mr. Vale moved the previous question on the pending amendment and the final passage of House Bill No. 44, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Question recurring on the amendment by Mr. Taylor, it was adopted.

Mr. Carlton moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Hanna moved the previous question on the final passage of House Bill No. 44, and the motion was duly seconded.

Mr. Morse moved to suspend the Rules in order that Mr. Isaacks may be permitted to speak on personal privilege at this time.

The motion to suspend the Rules prevailed.

Mr. Morris moved a call of the

House for the purpose of maintaining a quorum until House Bill No. 44 is disposed of, and the call was duly ordered.

Mr. Morris moved to reconsider the vote by which the call of the House was ordered, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Alsup, the Sergeant at Arms was instructed to bring in all absent Members within the city who are not ill.

Question recurring on the motion for the previous question, it prevailed.

Mr. Harris of Hill moved to suspend the Rules in order that certain amendment may be offered to the bill.

The motion to suspend the Rules was lost.

Mr. Lyle moved to suspend the Rules in order that Mr. Isaacks may offer a substitute amendment to the bill.

The motion to suspend the Rules was lost.

Mr. Rhodes (by unanimous consent) offered the following amendment to the bill:

Amend House Bill No. 44, Section 2, by adding the following:

"Forty-first District. Robertson County."

The amendment was unanimously adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 44 was then passed by the following vote:

Yeas—103

Alsup	Bridgers
Anderson	Brown
Baker	Bruhl
Bean	Bullock
Bell	Bundy
Boone	Carrington
Bray	Celaya

Chambers	Lowry
Clark	Lucas
Cleveland	Lyle
Coker	McAlister
Crosthwait	McDonald
Davis	McGlasson
Deen	McLellan
Dickson of Bexar	McMurry
Dickson of Nolan	McNamara
Dove	Manning
Duckett	Markle
Dwyer	Martin
Ellis	Matthews
Eubank	Montgomery
Favors	Morse
Ferguson	Murray
Fitzgerald	Nicholson
Fuchs	Pace
Gandy	Parker
Gilmer	Pevehouse
Goodman	Price
Halsey	Reed of Dallas
Hanna	Ridgeway
Hardeman	Roark
Hargis	Roberts
Harris of Dallas	Sallas
Hartzog	Senterfitt
Heflin	Sharpe
Helpinstill	Shell
Henderson	Simpson
Hobbs	Skiles
Howard	Smith of Atascosa
Howington	Spacek
Hoyo	Spangler
Huffman	Stanford
Humphrey	Stinson
Isaacks	Turner
Jones	Vale
Kennedy	Walters
Kinard	Wattner
Klingeman	Weatherford
Lehman	White
Little	Whitesides
Lock	Winfree
Love	

Nays—36

Allen	Hileman
Avant	Huddleston
Bailey	Hughes
Brawner	Hutchinson
Burkett	Kelly
Burnaman	Kersey
Carlton	King
Cato	Knight
Connelly	Lansberry
Craig	Mills
Crossley	Moore
Daniel	Morgan
Evans	Morris
Files	Phillips
Harris of Hill	Rampy

Reed of Bowie	Stubbs
Rhodes	Thornton
Smith of Bastrop	Voigt

Absent

Allison	Garland
Benton	McCann
Blankenship	Manford
Colson, Mrs.	Taylor
Donald	

Absent—Excused

Leyendecker

Mr. Kinard moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I vote "no" on the final passage of House Bill No. 44, for one reason among others, an amendment signed by myself and four other Representatives was offered at 3 o'clock yesterday and remained on the Speaker's desk without ever being submitted to the House.

HARRIS of Hill.

MESSAGE FROM THE SENATE

Austin, Texas, April 3, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 43 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Metcalfe, Kelley, Mauritz, Shivers and Isbell.

Adopted

S. C. R. No. 37, Inviting Miss Helen Keller to address a Joint Session at 11:30 a. m. Tuesday, April 8, 1941.

The Senate has concurred in House amendments to Senate Bill No. 150 by the following vote: Senate Bill No. 150: Yeas, 31; nays, 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
HOUSE BILL NO. 338

Mr. McDonald submitted the following Conference Committee report on House Bill No. 338:

Austin, Texas, March 27, 1941.

Hon. Homer Leonard, Speaker,
House of Representatives,
Austin, Texas.

Dear Mr. Speaker: We, your Conference Committee appointed to adjust the differences between the two Houses on House Bill No. 338, beg leave that the attached bill be passed.

Respectfully submitted,
McDONALD,
WHITE,
HARDEMAN,
SKILES,
HALSEY,

On the part of the House.

YORK,
MOFFETT,
RAMSEY,
MAURITZ,

On the part of the Senate.

By Mr. McDonald:

H. B. No. 338,

A BILL

To Be Entitled

An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to construct or acquire, and equip not more than four dormitories, an office building, and additional power and steam plant equipment; authorizing and requiring said Board to fix fees, rentals, and charges for the use of such buildings and to make parietal rules concerning the same; authorizing the issuance of negotiable revenue bonds payable from and secured by revenues from such buildings and of certain other buildings heretofore or hereafter constructed or acquired; authorizing said Board to furnish to certain buildings, water, steam, power and electricity from the plant owned by the institution, to charge for such services as a part of the maintenance and op-

eration expense of such buildings and to issue negotiable revenue bonds secured by and payable from the net revenues from such charges for the purpose of constructing or acquiring additional equipment for such plant, and additionally to secure such revenue bonds by pledging the net revenues from other specified buildings; authorizing said Board to construct, equip and lease an office building for certain purposes and to issue negotiable revenue bonds secured by and payable from the net revenues from such office building and from other specified buildings; authorizing the issuance of negotiable refunding bonds, and of refunding and construction bonds, secured by and payable from revenues as herein provided; providing that bonds authorized in this Act shall not constitute an indebtedness of the State of Texas or of said institution and that the holders of such revenue bonds shall never have the right to demand payment out of funds other than those pledged for their payment; authorizing under named restrictions use of a portion of the local funds to prevent or relieve a default or to create or maintain a reserve for such bonds; requiring approval of such bonds by the Attorney General, and prescribing the effect thereof; requiring registration by the Comptroller of Public Accounts; making this Act cumulative of other laws but giving precedence to the provisions of this Act; enacting other provisions relating to the subject hereof; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. The Board of Directors of the Agricultural and Mechanical College of Texas is authorized to construct or acquire, and equip without cost to the State of Texas except as provided herein, four, or any number less than four, dormitories, an office building (for purposes and subject to limitations contained in Section 5 hereof), and construct or acquire additional equipment for its present central

power and steam plant (subject to limitations contained in Section 4 hereof), when the total cost, type of construction, capacity, and plans and specifications therefor have been approved by such Board of Directors, provided, however, that the Legislature shall never make an appropriation out of the General Fund of the State, either in the regular Appropriation Bill, or in a supplemental or emergency appropriation bill, for the purpose of equipping or for the purpose of purchasing or installing any utility connections in any of the buildings erected or improved under and by virtue of the provisions of this Act.

Sec. 2. That said Board of Directors is authorized to fix fees, rentals and charges for the use of such buildings, and to make parietal rules to assure maintenance of a maximum percentage of use and occupancy of such buildings. The charges to be made and the fees to be fixed against students and others using any such buildings shall be in amounts deemed to be reasonable by the Board, taking into consideration the cost of providing said building, the use to be made of it, and the advantages to be derived therefrom.

Sec. 3. For the purpose of constructing or acquiring, extending or improving and equipping any one or more of said buildings, said Board of Directors is authorized to issue, sell, and deliver its negotiable revenue bonds, from time to time and in such amounts or amount as it may consider necessary. Bonds issued under this Act shall mature serially or otherwise not exceeding thirty (30) years from their date, bear interest at a rate or rates not exceeding Four (4%) per cent per annum, shall be payable at such place or places, may contain option of payment prior to maturity upon terms stated therein, and such provisions for registration as to ownership, as shall be prescribed by said Board in the resolution authorizing the issuance of said bonds. To assure the prompt payment of the principal and interest of said bonds the Board is authorized to pledge the net revenues from the operation of said building or buildings, con-

structed or acquired with the proceeds of said bonds, and may secure said bonds additionally by pledging the surplus or the unpledged net revenues from any one or more of the other buildings mentioned in Section 1, from kitchens and dining halls, dormitories, dormitory for help, or laundry, heretofore or hereafter constructed or acquired; provided that the Board shall have full authority to pledge the revenues from any number or all of such sources. It shall be the duty of the Board to fix fees, rentals and charges so that such revenues will be sufficient to pay the maintenance and operation expenses of the building whose revenues are thus pledged, the principal and interest of said bonds, and to provide reasonable reserves.

Sec. 4. Said Board is authorized to furnish water, steam, power, electricity, or any or all of such services from the central plant owned by the institution, to any or all dormitories, kitchens and dining halls, hospitals, student activity buildings, gymnasias, athletic buildings and stadia, the office building constructed pursuant to Section 5 hereof, the dormitory for help, laundry, and such other revenue producing buildings or facilities as may have been or may be constructed for the good of the institution or the moral welfare and social conduct of the students of such institution, and shall determine the amount to be charged as a part of the maintenance and operation expense of such buildings or facilities for such service or services. The Board is authorized to pledge the net revenues from the amounts thus received for said services to pay the principal and interest of, and to create and maintain the reserve for the negotiable revenue bonds issued for the purpose of acquiring the additional equipment for said central power and steam plant, and may so use said bonds additionally by pledging the surplus of the unpledged net revenues from any one or more of the other buildings mentioned in Section 1, or of kitchens and dining halls, dormitories, dormitory for help, or laundry, heretofore or hereafter constructed or acquired, provided that the Board

shall have full authority to pledge the revenues from any number or all of such sources.

Sec. 5. The Board is authorized to construct, equip and lease an office building to be used by the institution directly or, with consent of said Board, by any agency of the United States Government to house activities of the Department of Agriculture of the United States or activities of the United States Government in connection with the National Defense Program, provided that the total cost of constructing or acquiring and equipping said building shall not exceed \$300,000.00. The Board is authorized to pledge for the payment of negotiable revenue bonds issued for such purpose, the net revenues derived from the operation of such office building, including any rentals or lease consideration to be paid by such agency of the United States Government so long as such lease or rental agreements or renewals thereof shall be effective. In the event, and only in the event, that the lease of the United States Government, or an agency thereof, on the above described office building should be surrendered by the Government or its agency, and such building be converted into a dormitory, the Board may additionally secure the bonds against such office building by pledging the surplus or the unpledged net revenues from any one or more of the other buildings mentioned in Section 1, or of kitchens and dining halls, dormitories, dormitories for help, or laundry, heretofore or hereafter constructed or acquired, or from any one or all of such sources, to become effective upon the happening of such event.

Sec. 6. The Board is authorized to issue negotiable refunding bonds for the purpose of taking up, at or prior to maturity, all or any part of an issue of revenue bonds issued either under this Act or under other laws, and to include in a refunding issue the revenue bonds of several issues. It is authorized to include in a single issue bonds for the purpose of refunding outstanding bonds and new bonds to obtain additional funds for purposes authorized in this Act. All such refunding bonds, or refunding and construction bonds,

shall be secured by a pledge of revenues pledged for the payment of said refunded or underlying bonds, and the net revenues from the buildings or facilities for which such construction bonds are issued, and may be additionally secured by pledging the surplus or the unpledged net revenues from any one or more of the other buildings or facilities mentioned in Section 1, or of kitchens and dining halls, dormitories, dormitory for help, or laundry, heretofore or hereafter constructed or acquired; provided that the Board shall have full authority to pledge the revenues from any number of such sources.

Sec. 7. After the revenues of any building or of any facilities, constructed or acquired pursuant to this Act, shall have been pledged to the payment of revenue bonds, any subsequent pledge of such revenues shall be inferior to such pledge previously made.

Sec. 8. The revenue bonds authorized in this Act shall not constitute indebtedness of the State of Texas or said institution, and the holders thereof shall never have the right to demand payment of principal or interest out of funds other than those pledged to the payment of such bonds. In order to prevent or relieve a default in the payment of principal or interest or in creating or maintaining the reasonable pledged reserve for revenue bonds issued for purposes authorized in this Act, said Board may in its discretion use local funds; provided that not more than twenty-five (25%) per cent of the estimated local funds available during any one fiscal year can be used for such purposes; and provided that local funds shall not be used for such purpose in an amount which with reasonable certainty should necessitate supplementing such local funds by additional legislative appropriation.

Sec. 9. Before any such revenue bonds are delivered to the purchaser, or before any refunding revenue bonds are delivered in exchange for original bonds, the record pertaining thereto shall have been examined by the Attorney General, and said record and bonds shall be approved by the Attorney General. After such approval the bonds shall be regis-

tered in the office of the Comptroller of Public Accounts, and no refunding bonds shall be registered until a like principal amount of said original bonds shall have been surrendered and cancelled by the Comptroller. Such bonds having been approved by the Attorney General and registered in the Comptroller's office shall be held in every action, suit or proceeding in which their validity is or may be brought into question, valid and binding obligations. In every action brought to enforce the collection of such bonds or any rights incident thereto, the certificate of approval by the Attorney General, or a duly certified copy thereof, shall be admitted and received in evidence of its validity. The only defense which can be offered against the validity of such bonds shall be forgery or fraud.

Sec. 10. No brokerage fee, or commission, or attorney's fees in excess of Twenty-five Hundred (\$2500.00) Dollars, shall be paid out of the funds of the A. & M. College of Texas, or out of the funds to be derived from the bonds or other evidences of obligation authorized herein.

Sec. 11. This law shall be cumulative of all other laws applicable to said institution and is not intended to repeal other existing laws on the subject, but to the extent that the provisions of this Act are inconsistent with or are in conflict with the provisions of other laws, the provisions of this Act shall be effective.

Sec. 12. The fact that the Agricultural and Mechanical College of Texas is in urgent need of certain of the buildings and facilities mentioned in this Act and the authority herein conferred, creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read in each House on three several days be suspended, and that said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Speaker in the Chair.)

On motion of Mr. McDonald, the report was adopted by the following vote:

Yeas—130

Allen	Huffman
Alsup	Hughes
Avant	Humphrey
Bailey	Hutchinson
Baker	Isaacks
Bean	Jones
Bell	Kelly
Blankenship	Kennedy
Boone	Kersey
Brawner	King
Bray	Klingeman
Bridgers	Knight
Brown	Lansberry
Bruhl	Lehman
Bullock	Little
Bundy	Lock
Burnaman	Love
Carlton	Lowry
Carrington	Lucas
Cato	Lyle
Celaya	McDonald
Chambers	McGlasson
Clark	McLellan
Cleveland	McNamara
Colson, Mrs.	Manford
Connelly	Manning
Crossley	Markle
Daniel	Martin
Davis	Matthews
Deen	Mills
Dickson of Nolan	Montgomery
Dove	Moore
Duckett	Morgan
Ellis	Morris
Eubank	Morse
Evans	Murray
Favors	Nicholson
Ferguson	Pace
Files	Parker
Fitzgerald	Pevehouse
Fuchs	Phillips
Gandy	Price
Garland	Rampy
Gilmer	Reed of Bowie
Goodman	Reed of Dallas
Halsey	Ridgeway
Hanna	Rhodes
Hardeman	Roark
Hargis	Roberts
Harris of Dallas	Sallas
Harris of Hill	Senterfitt
Hartzog	Sharpe
Heflin	Simpson
Helpinstill	Skiles
Henderson	Smith of Bastrop
Hileman	Smith of Atascosa
Howard	Spacek
Howington	Spangler
Hoyo	Stanford
Huddleston	Stinson

Stubbs
Taylor
Turner
Vale
Walters

Wattner
Weatherford
White
Whitesides
Winfree

Nays—1

Craig

Absent

Allison	Hobbs
Anderson	Kinard
Benton	McAlister
Burkett	McCann
Coker	McMurry
Crosthwait	Shell
Dickson of Bexar	Thornton
Donald	Voigt
Dwyer	

Absent—Excused

Leyendecker

CONFERENCE COMMITTEE ON SENATE BILL NO. 43 INSTRUCTED

On motion of Mr. Alsup, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 43.

Mr. McLellan moved that the House Conferees on Senate Bill No. 43 be instructed to contend in so far as possible for the reduction in the bill in regard to the fees for registration of motor vehicles under 14,000 pounds, as passed by the House.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following House Conferees on Senate Bill No. 43:

Mr. Alsup, Chairman; Mr. Gilmer, Mr. Lucas, Mr. Little and Mr. Montgomery.

MESSAGE FROM THE SENATE

Austin, Texas, April 3, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 800, A bill to be entitled "An Act making unlawful the use of force or violence or threats thereof to prevent or attempt to prevent any person from engaging in any lawful vocation and providing penalties; etc.; and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

To the Members of the Forty-seventh Legislature:

There has been introduced in the House, House Bill No. 824 by Lyle, Taylor and Harris of Dallas, the purpose of which bill is to set up a system of compulsory arbitration within the State where labor disputes are threatened.

I think no one would question the tremendous importance of preventing strikes in National Defense Industries, and I, therefore, urge that the Legislature give consideration to this bill, and I am hereby submitting this matter as emergency legislation.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

APPOINTMENT OF COMMITTEE TO INVESTIGATE LABOR UNIONS

In compliance with House Simple Resolution No. 167, by Mr. Lowry, Providing for the Appointment of Certain Committee to investigate Labor Unions and Activities, the Speaker appoints the following:

Mr. Lehman, Chairman; Mr. Crosthwait, Mr. Lyle, Mr. Carlton and Mr. Cato.

HOUSE BILL NO. 824 ON SECOND READING

Mr. Taylor moved that the necessary Rules be suspended for the purpose of taking up and considering, at this time, House Bill No. 824.

The motion prevailed by the following vote:

Yeas—132

Allen	Hoyo
Allison	Huddleston
Alsup	Huffman
Anderson	Hughes
Avant	Humphrey
Bailey	Hutchinson
Baker	Jones
Bell	Kelly
Blankenship	Kennedy
Boone	Kersey
Brawner	King
Bray	Klingeman
Bridgers	Knight
Brown	Lansberry
Bruhl	Lehman
Bullock	Little
Bundy	Lock
Burkett	Love
Burnaman	Lowry
Carlton	Lucas
Carrington	Lyle
Cato	McAlister
Celaya	McDonald
Chambers	McGlasson
Clark	McLellan
Cleveland	McMurry
Colson, Mrs.	McNamara
Connelly	Manford
Craig	Manning
Crossley	Markle
Crosthwait	Martin
Davis	Matthews
Deen	Moore
Dickson of Nolan	Morris
Dove	Morse
Duckett	Murray
Dwyer	Pace
Ellis	Parker
Eubank	Pevehouse
Evans	Phillips
Favors	Price
Ferguson	Rampy
Files	Reed of Bowie
Fitzgerald	Reed of Dallas
Fuchs	Ridgeway
Gandy	Rhodes
Garland	Roark
Gilmer	Roberts
Goodman	Sallas
Hanna	Senterfitt
Hardeman	Shell
Hargis	Simpson
Harris of Dallas	Skiles
Harris of Hill	Smith of Bastrop
Hartzog	Smith of Atascosa
Heflin	Spacek
Helpinstill	Spangler
Henderson	Stanford
Hileman	Stinson
Howard	Stubbs
Howington	Taylor

Thornton	Wattner
Turner	Weatherford
Vale	White
Voigt	Whitesides
Walters	Winfree

Nays—4

Bean	Isaacks
Dickson of Bexar	Mills

Absent

Benton	Kinard
Coker	McCann
Daniel	Montgomery
Donald	Morgan
Halsey	Nicholson
Hobbs	Sharpe

Absent—Excused

Leyendecker

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 824, A bill to be entitled "An Act amending Articles 239, 240, 241, 242, 243, 244, 245, 246, 247, 248 and 249 of Title 10, Revised Civil Statutes of Texas, 1925, to provide for the amicable adjustment of grievances and disputes that may arise between employers or receiver and employees, to create a board of arbitration; to provide for compensation of said board; to provide for the penalties of the violation hereof; defining words or terms; providing a severance or saving clause; and declaring an emergency."

The bill was read second time.

Mr. Fitzgerald moved that the House recess until 3:00 o'clock p. m. today.

The motion to recess was lost.

Mr. Lowry offered the following amendment to the bill:

Amend H. B. No. 824 by adding a new section to be called Section —, to read as follows:

"The provisions of this Act shall expire September 1, 1943."

LOWRY,
CARLTON,
WATTNER.

On motion of Mr. Taylor, the amendment by Mr. Lowry was tabled.

Mr. Love moved that the House recess until 3:00 o'clock p. m. today.

The motion to recess was lost.

House Bill No. 824 was then passed to engrossment.

HOUSE BILL NO. 824 ON THIRD READING

Mr. Taylor moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 824 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—136

Allen	Dwyer
Allison	Ellis
Alsup	Eubank
Anderson	Evans
Avant	Favors
Bailey	Ferguson
Baker	Files
Bean	Fitzgerald
Bell	Fuchs
Bentor	Gandy
Blankenship	Garland
Brawner	Gilmer
Bray	Goodman
Bridgers	Halsey
Brown	Hanna
Bruhl	Hardeman
Bullock	Hargis
Bundy	Harris of Dallas
Burkett	Hartzog
Carlton	Heflin
Carrington	Helpinstill
Cato	Henderson
Celaya	Hileman
Chambers	Howard
Clark	Howington
Cleveland	Hoyo
Coker	Huddleston
Colson, Mrs.	Huffman
Connelly	Hughes
Craig	Humphrey
Crossley	Hutchinson
Crosthwait	Isaacks
Daniel	Jones
Davis	Kelly
Deen	Kennedy
Dickson of Bexar	Kersey
Dickson of Nolan	Kinard
Dove	King

Klingeman
Knight
Lansberry
Lehman
Little
Lock
Lowry
Lucas
Lyle
McCann
McDonald
McGlasson
McMurry
McNamara
Manning
Markle
Martin
Matthews
Mills
Montgomery
Moore
Morris
Morse
Murray
Nicholson
Pace
Parker
Pevehouse
Phillips
Price

Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Rhodes
Roark
Roberts
Sallas
Senterfitt
Sharpe
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Turner
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides

Nays—4

Boone
Burnaman

Love
Winfree

Absent

Donald
Duckett
Harris of Hill
Hobbs

McAlister
McLellan
Manford
Morgan

Absent—Excused

Leyendecker

The Speaker then laid House Bill No. 824 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—136

Allen	Blankenship
Allison	Brawner
Alsup	Bray
Anderson	Bridgers
Avant	Brown
Bailey	Bruhl
Baker	Bundy
Bean	Burkett
Bell	Burnaman
Benton	Carlton

Carrington	Lehman
Cato	Little
Celaya	Lock
Chambers	Lowry
Clark	Lucas
Cleveland	Lyle
Coker	McCann
Colson, Mrs.	McDonald
Connelly	McGlasson
Craig	McMurry
Crossley	McNamara
Crosthwait	Manford
Daniel	Manning
Davis	Markle
Deen	Martin
Dickson of Bexar	Matthews
Dickson of Nolan	Mills
Dove	Montgomery
Dwyer	Moore
Ellis	Morris
Evans	Morse
Favors	Murray
Ferguson	Nicholson
Files	Pace
Fitzgerald	Parker
Fuchs	Pevehouse
Gandy	Phillips
Garland	Price
Gilmer	Rampy
Goodman	Reed of Bowie
Halsey	Reed of Dallas
Hanna	Ridgeway
Hardeman	Rhodes
Hargis	Roark
Harris of Dallas	Roberts
Hartzog	Sallas
Heflin	Senterfitt
Helpinstill	Sharpe
Henderson	Shell
Hileman	Skiles
Howard	Smith of Bastrop
Howington	Smith of Atascosa
Hoyo	Spacek
Huddleston	Spangler
Huffman	Stanford
Hughes	Stinson
Humphrey	Stubbs
Hutchinson	Taylor
Isaacks	Thornton
Jones	Turner
Kelly	Vale
Kennedy	Voigt
Kersey	Walters
Kinard	Wattner
King	Weatherford
Klingeman	White
Knight	Whitesides
Lansberry	Winfree

Nays—3

Boone
Love

Simpson

Absent

Bullock	Hobbs
Donald	McAlister
Duckett	McLellan
Eubank	Morgan
Harris of Hill	

Absent—Excused

Leyendecker

Mr. Taylor moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I have cast a dissenting vote to House Bill No. 824 because I feel that if the Members of the House of Representatives want to pass legislation regulating employer and employee an advantage should not be given the employer by having a section in the bill which gives the employer wide latitude in discharging employees. I refer to Section 8, which reads as follows: "During the pendency of such arbitration it shall not be lawful for the employer or receiver party to such arbitration nor his agent, to discharge the employees thereto, except for inefficiency, violation of law, or neglect of duty, or where reduction of force is necessary, nor for the organization representing such employees to order, nor for the employees to unite in, aid, abet strikes or boycotts against such employer or receiver."

If this section was clarified I feel that the bill would be wholesome in settling disputes between employers and employees.

SIMPSON.

CONFERENCE COMMITTEE REPORT ON SENATE BILL
NO. 70

Mr. Winfree submitted the following Conference Committee report on Senate Bill No. 70:

Austin, Texas, April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: Your Free Conference Com-

mittee appointed to adjust the differences between the Senate and the House on Senate Bill No. 70, had same under consideration and have adjusted the differences and recommend the passage of the attached bill.

MOFFETT,
VICK,
VAN ZANDT,
LEMENS,

On the part of the Senate.

WINFREE,
TAYLOR,
CRAIG,
HALSEY,

On the part of the House.

S. B. No. 70,

A BILL

To Be Entitled

An Act to amend Section 8 of House Bill No. 440, Regular Session, 45th Legislature, Acts of 1937, Chapter 169, providing for the exemption for prescribing, administering, dispensing or selling at retail, certain specified medicinal preparations containing small amounts of certain named drugs, so that the same shall provide for the exception from the provisions of said Act the prescription, administration and sale at retail of any medicinal preparations containing not more than one (1) grain of codeine or of any of its salts, subject to certain conditions; providing for the repeal of Section 1 of Senate Bill No. 70, Regular Session, 47th Legislature, and stating the effective date of said repeal; providing for re-enactment of Section 8 of House Bill No. 440, Regular Session, 45th Legislature, Acts of 1937, with the exception of the subsection of Section 8, which refers to the sale of cannabis, and fixing the effective date of said re-enactment; and to amend subsection (1) of Section 9 of House Bill No. 440, Regular Session, 45th Legislature, Acts of 1937, Chapter 169, providing that persons authorized to administer or professionally use narcotic drugs shall keep a record; and providing for certain exceptions wherein no record need be kept by such

persons of the narcotic drugs so administered, dispensed or professionally used; repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Section 8 of House Bill No. 440, Regular Session, 45th Legislature, Acts 1937, Chapter 169, be, and the same is hereby amended so as to hereafter read as follows:

"Sec. 8. (Preparations exempted). Except as otherwise in this Act specifically provided, this Act shall not apply to the following cases:

"Administering, dispensing, or selling at retail of any medicinal preparation that contains in one (1) fluid ounce, or if a solid or semi-solid preparation, in one (1) avoirdupois ounce, not more than one (1) grain of codeine or of any of its salts.

"The exemption authorized by this section shall be subject to the following conditions: (1) that the medicinal preparation administered, dispensed, or sold, shall contain in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and (2) that such preparation shall be administered, dispensed, and sold in good faith as medicine, and not for the purpose of evading the provisions of this Act.

"Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this Act.

"Sec. 1-a. On and after September 1, 1943, Section 1 of Senate Bill No. 70, Regular Session, 47th Legislature, is repealed, and in lieu thereof this Section 1-a shall prevail and be in lieu thereof. And on and after September 1, 1943, Section 8 of House Bill No. 440, Regular Session, 45th Legislature, Acts of 1937,

Chapter 169, as amended by Senate Bill No. 70, Regular Session, 47th Legislature, be and the same is hereby further amended so as to read as follows on and after September 1, 1943:

"Sec. 8. (Preparations exempted). Except as otherwise in this Act specifically provided, this Act shall not apply to the following cases:

"(1) Prescribing, administering, dispensing, or selling at retail of any medicinal preparation that contains in one (1) fluid ounce, or if a solid or semi-solid preparation, in one (1) avoirdupois ounce, (a) not more than two (2) grains of opium, (b) not more than one-quarter ($\frac{1}{4}$) of a grain of morphine or of any of its salts, (c) not more than one (1) grain of codeine or of any of its salts, (d) not more than one-eighth ($\frac{1}{8}$) of a grain of heroin or of any of its salts, (e) and not more than one (1) of the drugs named above in clauses (a), (b), (c), and (d).

"(2) Prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations, that are susceptible of external use only and that contain narcotic drugs in such combinations as prevent their being readily extracted from such liniments, ointments, or preparations, except that this Act shall apply to all liniments, ointments, and other preparations, that contain coca leaves in any quantity or combination.

"The exemptions authorized by this section shall be subject to the following conditions:

"(a) No person shall prescribe, administer, dispense, or sell under the exemptions of this section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this section, when he knows, or can by reasonable diligence ascertain, that such prescribing, administering, dispensing, or selling will provide the person to whom or for whose use, or the owner of the animal for the use of which such preparation is prescribed, administered, dispensed, or sold, within any forty-eight (48) consecutive hours, with more than four (4) grains of opium, or more than one-half ($\frac{1}{2}$) grain of morphine or of

any of its salts, or more than two (2) grains of codeine or of any of its salts, or more than one-quarter ($\frac{1}{4}$) of a grain of heroin or of any of its salts, or will provide such person or the owner of such animal, within forty-eight (48) consecutive hours, with more than one preparation exempted by this section from the operation of this Act.

"(b) The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparations shall be prescribed, administered, dispensed, and sold in good faith as medicine, and not for the purpose of evading the provisions of this Act.

"Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this Act."

Sec. 2. That subsection (1) of Section 9 of House Bill No. 440, Regular Session, 45th Legislature, Acts of 1937, Chapter 169, be, and the same is hereby amended so as to hereafter read as follows:

"Sec. 9. (Record to be kept). (1) (Physicians, Dentists, Veterinarians, and other Authorized Persons). Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made

up by him, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

"Provided, that no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one (1) patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight (48) consecutive hours, (a) four (4) grains of opium, or (b) one-half ($\frac{1}{2}$) of a grain of morphine or of any of its salts, or (c) two (2) grains of codeine or of any of its salts, or (d) one-fourth ($\frac{1}{4}$) of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated."

Sec. 3. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. The fact that the present laws of the State of Texas are now entirely insufficient and inadequate for the proper control of narcotics, and the further fact that it is necessary to conserve the present supply of narcotics as far as possible and to prevent the obtaining of a supply of narcotics from illicit sources; and the further fact that there has been a recent heavy increase in the volume of sales of some drug preparations containing appreciable amounts of narcotics, because these preparations can be purchased without a prescription, and the fact that such unrestricted sale of same tends to furnish too easy an opportunity for former narcotic addicts to obtain such an amount of narcotics as often causes them to revert to their former state of addiction, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Winfree moved that the report be adopted.

Mr. Cato moved that the Conference Committee report be not adopt-

ed and that a new Conference Committee be appointed to adjust the differences.

Mr. Winfree moved to table the motion by Mr. Cato.

The motion to table was lost.

Question then recurring on the motion by Mr. Cato that the conference report be not adopted and that a new Conference Committee be appointed, it prevailed.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

S. B. No. 67, "An Act giving to Boards of Trustees of Independent and Common School Districts in this State the power to designate certain grades or sections of grades above second grade, etc., and declaring an emergency."

S. B. No. 405, "An Act fixing the term of office of school trustees of independent school districts, whether created under General Law or by Special Act of the Legislature; etc.; and declaring an emergency."

S. B. No. 142, "An Act amending Chapter 8, Article 149, of the Revised Civil Statutes of the State of Texas, by adding a new Article to be numbered 149H, authorizing and empowering the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain an Agricultural Experimental Station for the purpose of making scientific investigations and experiments in the study of poultry problems with particular emphasis on the study of problems relating to the scientific production of broilers and fryers in the South Central Texas region, said station to be located in Gonzales County, etc.; and declaring an emergency."

S. B. No. 242, "An Act to amend Article 1813, Revised Civil Statutes of Texas, 1925, etc., to add a provision for the appointment of a Special Commissioner to serve with and assist a Court of Civil Appeals where a member thereof is called or or-

dered into active military service of the United States; etc.; and declaring an emergency."

S. C. R. No. 36, Inviting Honorable Lyndon Johnson to Address a Joint Session of the Legislature.

HOUSE BILLS ON FIRST READING

Mr. Chambers asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 857.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Chambers:

H. B. No. 857, A bill to be entitled "An Act amending Article 3125, Revised Civil Statutes, 1925, as amended by Chapter 225, Acts of the Forty-third Legislature, to provide certain changes with respect to the canvass of election returns by the county executive committee; amending Articles 3126, 3128, 3129, 3130, 3131, 3146, 3147, 3148, 3150, Revised Civil Statutes, 1925, and Article 3153, Revised Civil Statutes, 1925, as amended by Chapter 241, Acts of the Forty-second Legislature, providing certain changes in the conduct of elections, for the determining of nominees, and for the prosecution of election contests; repealing Articles 3149 and 3151, Revised Civil Statutes, 1925, and repealing Article 3152, Revised Civil Statutes, 1925, as amended in Chapter 19, Acts of the Fortieth Legislature, as amended by Chapter 241, Acts of the Forty-second Legislature, and repealing all other laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

Mr. Montgomery asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 858.

There was no objection.

The Speaker then laid the bill before the House, it was read first

time and referred to the appropriate committee, as follows:

By Mr. Montgomery, Mr. Heflin, Mr. Winfree, Mr. Morse and Mr. Howard:

H. B. No. 858, A bill to be entitled "An Act operative only in counties of 60,000 population or more according to the latest Federal Census; authorizing cities and towns that have issued bonds, warrants, notes or other obligations payable from revenues of the water systems and/or sewer systems and/or sewage disposal plants to issue new bonds of such cities or towns payable from the net revenues of the water systems and/or sewer systems and/or sewage disposal plants for the purpose of refunding such outstanding bonds, warrants, notes or other obligations and for the purpose of further building, improving, enlarging, extending and/or repairing such systems and to pledge the net revenues thereof to pay the interest on and principal of such refunding and further construction bonds, and authorizing the governing body of such city or town to mortgage and encumber the physical properties of such systems for that purpose and to grant a franchise to the purchaser under foreclosure to operate such system or systems for a period of not exceeding twenty years after purchase, subject to all the laws regulating the same then in force; providing that such new bonds may be called Refunding and Further Construction Bonds; providing that such new bonds may be made to mature as directed by the governing body not more than thirty years from their date and may bear interest at not exceeding 5% per annum, providing such new bonds shall not bear a higher rate of interest than the securities that are refunded thereby; providing that such bonds shall not be issued until authorized by majority vote of the duly qualified property taxpaying voters of such city or town at an election ordered and held for that purpose, and providing such election shall be held in the same manner as required by law for holding elections to authorize the issuance of tax supported bonds; providing that such bonds shall be approved by the Attorney

General and registered by the Comptroller of Public Accounts, and further providing the restrictions and limitations under which such new bonds may be registered by the Comptroller; providing that this Act is cumulative and in addition to all other statutes on the subject of such revenue bonds and repeals only such laws and parts of laws as are in conflict herewith; repealing all laws and parts of laws in conflict herewith and particularly that expression contained in Article 1113, Revised Civil Statutes of Texas, which reads, 'No part of the income of any such systems shall ever be used to pay any other debt, expense or obligation of such city or town, until the indebtedness so secured shall have been finally paid'; and declaring an emergency."

Referred to the Committee on Counties.

ADJOURNMENT

On motion of Mr. Huffman, the House, at 1:40 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Labor filed a favorable report on House Bill No. 824.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 136, A bill to be entitled "An Act to promote, encourage, increase, and stimulate the use and sale of rice; to promote the prosperity and welfare of rice growers and producers in the State of Texas through the conducting of a publicity, sales promotion and development campaign; to conduct research in and develop new uses for rice and rice products; to levy and impose a

tax or assessment on rice milled in the State of Texas, and to provide for the collection thereof to create a rice development fund; to create a rice development commission to administer and to control the rice development campaign, and to provide the powers, duties and authority and to define the terms of office of said commission; to provide when and how said levy or tax shall be paid and collected; to provide penalties for the violation of this Act; to provide for cooperation and joint action in said development campaign with officers, boards, commissions, departments or other authorities created or which may be created in the State of Louisiana and Arkansas upon which similar powers, duties and purposes have been or may be conferred; to repeal all laws or parts of laws in conflict herewith; fixing the effective date of the Act; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

FORTY-NINTH DAY

(Friday, April 4, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Carrington
Allen	Cato
Allison	Celaya
Alsup	Chambers
Anderson	Clark
Avant	Cleveland
Bailey	Coker
Baker	Colson, Mrs.
Bean	Connelly
Benton	Craig
Blankenship	Crossley
Boone	Crosthwait
Brawner	Daniel
Bray	Davis
Bridgers	Deen
Brown	Dickson of Bexar
Bruhl	Dickson of Nolan
Bundy	Dove
Burkett	Duckett
Carlton	Dwyer